

EXHIBIT 1

MAO DECLARATION OPPOSITION TO MOTION TO STRIKE

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**UNITED STATE DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ and JULIEANNA
MUNIZ, individually and on behalf of all
other similarly situated,

Plaintiffs,

v.

GOOGLE LLC and ALPHABET INC.,

Defendants.

Case No.: 3:20-cv-4688-RS

PLAINTIFFS' INITIAL DISCLOSURES

The Honorable Richard Seeborg

1 Plaintiffs make the following initial disclosures per Federal Rule of Civil Procedure 26(a)(1).

2 **I. NAMES AND ADDRESSES OF INDIVIDUALS LIKELY TO POSSESS**
 3 **DISCOVERABLE INFORMATION**

4 The following individuals and/or entities may possess discoverable information that Plaintiffs
 5 may use to support their claims. Documents and information identifying additional witnesses are in
 6 the possession and control of Defendants Google LLC (“Google”), Alphabet Inc. (“Alphabet”), and
 7 non-parties to this litigation. Plaintiffs reserve the right to supplement or amend these lists as
 8 discovery proceeds.

9 **A. Plaintiffs**

10 Plaintiff Anibal Rodriguez has knowledge about his use of mobile apps integrating Google’s
 11 Firebase SDK (software developer kit) and his effort to turn off Google’s “Web & App Activity”
 12 tracking. Because no protective order has been agreed to, and Mr. Rodriguez values his personally
 13 identifiable information, he may be contacted through counsel, but will provide his contact
 14 information upon the entry of a protective order.

15 Plaintiff JulieAnna Muniz has knowledge about her use of mobile apps integrating Google’s
 16 Firebase SDK (software developer kit) and her effort to turn off Google’s “Web & App Activity”
 17 tracking. Because no protective order has been agreed to, and Ms. Muniz values her personally
 18 identifiable information, she may be contacted through counsel, but will provide her contact
 19 information upon the entry of a protective order.

20 **B. Current or Former Employees of Google and Non-Parties**

21 Current or former Google employees with knowledge of its privacy disclosures, Firebase
 22 SDK, use of data intercepted/collected by Google when users have turned off “Web & App Activity”
 23 tracking, financial information and revenues attributable to the use of any user data by Google, and
 24 any knowledge of the following categories of documents:

- 25 • Google’s disclosures and policies relating to the data it collects directly and indirectly on
 26 consumers, particularly with regard to data collected on consumers who have turned off
 27 “Web & App Activity” tracking.

- 1 • Google's logs relating to the data it collects directly and indirectly on consumers, particularly with regard to data collected on consumers who have turned off "Web & App Activity" tracking.
- 2
- 3 • Google's internal documents relating to consumers' control over how their data is collected, used, shared, and disposed.
- 4 • Google's internal documents relating to transparency about how consumers' data is collected, used, shared, and disposed.
- 5
- 6 • Google's written representations to and agreements with websites, web publishers, web applications, and mobile app publishers that use Google services, including but not limited to what data Google collects and how Google complies with laws and regulations regarding the collection of data.
- 7
- 8 • Google's technical documents relating to how its technologies and services work with consumer data that it collects directly and indirectly, particularly with regard to data collected while consumers have turned off "Web & App Activity" tracking.
- 9
- 10 • Google's documents concerning its acquisition of Firebase and technical documents relating to Firebase SDK.
- 11
- 12 • Google's technical documents relating to how to track individual consumers, their devices, and their locations.
- 13
- 14 • Google's responses and document productions to regulators, including without limitation the U.S. Federal Trade Commission (FTC) and Department of Justice (DoJ), the Arizona Attorney General, the California Attorney General, European data protection authorities, and the Australian Competition & Consumer Commission (ACCC), relating to Google's disclosures and data collection practices between at least 2011 and the present.
- 15
- 16 • Google's assurances, at any time, to not merge first- and third-party data and services.
- 17 • Google's compliance and audit documents relating to its efforts and/or failures to comply with the Google-FTC Consent Decree of 2011, relating to Google's Buzz Social Network.
- 18
- 19 • Google's external and internal documents relating to how Google attempted to comply and/or complied with the California Consumer Privacy Act (CCPA), Europe's General Data Privacy Regulation (GDPR), and similar legislation.
- 20
- 21 • Google's external and internal documents relating to how Google lobbied for or against bills and proposed laws in the United States similar to or based on the California Consumer Privacy Act (CCPA).
- 22
- 23 • Google's external and internal documents relating to any new privacy features Google has released or is releasing with regard to opting out of web and app activity tracking, and Google Analytics.
- 24
- 25 • Google's sales documents relating to its profits from Google Analytics (and legacy products that was eventually merged into Google Analytics) that may relate to how Google profited from the allegations at issue in the Complaint.
- 26
- 27 • Google's sales documents relating to its profits from Google Ad Manager (and legacy products that was eventually merged into Google Ad Manager) that may relate to how Google profited from the allegations at issue in the Complaint.
- 28

- Google’s documents showing how Google improved its Google products and services (including but not limited to Search, Google Analytics, and Google Ad Manager) based on data Google obtained relating to the allegations at issue in the Complaint.
- All ways in which Google has benefited from the unlawful conduct alleged in this lawsuit, including without limitation advertising revenues.

Non-parties who make use of data intercepted/collected by Google, including when users have turned off “Web & App Activity” tracking.

II. DESCRIPTION OF ALL RELEVANT DOCUMENTS IN PLAINTIFFS’ POSSESSION

Plaintiffs are not yet able to identify additional documents they may use to support their claims because most of the relevant documents and information regarding this action are in the possession, custody, and control of Google or non-parties. However, Plaintiffs may possess documents relating to their use of mobile apps, advertisements displayed to them, and documents relating to their request for damages. In addition, Plaintiffs may use certain publicly available documents, such as Google’s representations and press releases, marketing materials, and industry reports.

III. DAMAGES

Plaintiffs seek statutory damages, compensatory damages, punitive damages, restitution, and disgorgement, pre-judgment interest, post-judgment interest, reasonable attorneys’ fees, expert witness fees and other costs, and any other further relief as the Court deems just and proper, including equitable and/or injunctive relief as permitted by law. Because any computation of damages and other relief in this case depends on documents and evidence to be produced by Google, as well as expert analysis, computing damages at this stage is premature. Therefore, Plaintiffs have not yet computed the relief claimed in this action, Plaintiffs will supplement as appropriate in the course of discovery.

IV. INSURANCE AGREEMENT

Not applicable to Plaintiffs.

1 Dated: October 7, 2020

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 7, 2020 a true and correct copy of this document was properly served via electronic mail upon the following:

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